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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:** Daniel Keith Tomaschko, Daniel James Horn, Xiao Kang Zhang, Nao Pao Lee  
**Application No.:** 09/781388  
**Filed:** February 13, 2001  
**For:** BALLOON CONES AND WAISTS THINNING  
METHODOLOGY  
**Group Art Unit:** 3731

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Docket No.: S63.2O-7132-US02

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REJECTION OVER A PRIOR PATENT**

The owner, Boston Scientific Scimed, Inc. (formerly Scimed Life Systems, Inc.) of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior patent No. 6,193,738. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it, and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2.  The undersigned is an attorney of record.

March 4, 2005  
Date



Signature  
\_\_\_\_\_  
Jeremy G. Laabs  
Typed or printed name

Terminal disclaimer fee under 37 CFR 1.20(d) included.  
 Authorization to Charge Deposit Account 22-0350  
 PTO suggested wording for terminal disclaimer was  
  
 unchanged     changed ( if changed, an explanation should be supplied).